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UNITED STATES DISTRICT COURT for the  
EASTERN DISTRICT OF NEW YORK

PM. \_\_\_\_\_  
TIME A.M. \_\_\_\_\_

SANTO LANZAFAME in his fiduciary capacity as a Trustee  
for the POINTERS, CLEANERS & CAULKERS WELFARE,  
PENSION & ANNUITY FUNDS,  
and as President of the BRICKLAYERS AND  
ALLIED CRAFTWORKERS LOCAL UNION NO. 1,  
B. A. C. I. U., AFL-CIO,

Plaintiffs,

-against-

DIAMOND EXTERIOR RESTORATION CORP.,  
FRANCIS A. LEE COMPANY, A CORPORATION,  
DEBRA SOEHNGEN, FRANCIS A. LEE, and  
JOHN and/or JANE DOE FIDUCIARY,

Defendants.

**JUDGMENT BY  
DEFAULT  
AGAINST  
DIAMOND  
EXTERIOR  
RESTORATION  
CORP.**

04-CV-4951  
(Block, J.)  
(Pollak, M.J.)

This action having been commenced on November 11, 2004 by the filing of the Summons and Complaint, and a copy of the Summons and Complaint having been served on the defendant, DIAMOND EXTERIOR RESTORATION CORP., on January 10, 2005, by service upon the Corporation through the New York Secretary of State and proof of service having been filed on January 20, 2005, PLAINTIFFS are entitled to judgment against DIAMOND EXTERIOR RESTORATION CORP., as follows:

1) For each of the following pursuant to FRISA and/or the CBA, for the period October 2003 to date, and continuing to accrue during the pendency of this action, subject to verification by audit: (i) all outstanding fringe benefit contributions; (ii) all outstanding union dues and assessments (collectively "DUES"); (iii) interest of ten percent (10%) on all on unpaid contributions; (iv) accrued pre-judgment interest on all unpaid DUES; (v) statutory liquidated damages of twenty percent (20%) on all unpaid contributions; (vi) all audit costs; (vii) attorneys' fees, costs and expenses from this action;

~~2) Permanently enjoining DIAMOND EXTERIOR RESTORATION CORP., its officers, agents, servants, employees and all persons in active concert or participation with them, from failing to do the following: (i) timely submit contributions, DUES, and remittance reports to the PLAINTIFFS; (ii) submit the books and records required by the PLAINTIFFS' auditor in order to conduct a complete audit;~~

~~3) In the form of an Order under 29 U.S.C. § 1132 and the common law as to each of the following: (i) permitting the PLAINTIFFS the right to estimate and enter judgment on the amount of DIAMOND EXTERIOR RESTORATION CORP.'s contributions, DUES, and~~

2) REFERRED TO MS POLLAK TO HOLD A HEARING / INQUEST  
AS TO DAMAGES AND PREPARE A REPORT AND RECOMMENDATION  
AS TO DAMAGES, COSTS AND ATTORNEY FEES.

~~assessments due and owing and to assess pre-judgment interest of 10% per annum (as defined in the CBA) on said contributions, pre-judgment interest on said dues and assessments liquidated damages of twenty percent (20%) on said contributions, audit costs, reasonable attorneys' fees, costs and expenses; (ii) requiring DIAMOND EXTERIOR RESTORATION CORP. to provide the PLAINTIFFS' auditor with DIAMOND EXTERIOR RESTORATION CORP.'s books and records necessary to conduct a complete audit; (iii) submit outstanding payroll remittance reports showing all employees and hours for which contributions are due and owing from October 2003 to date and continuing during the pendency of this action,~~

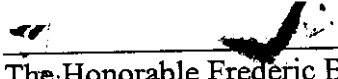
~~4) In the form of an Order requiring DIAMOND EXTERIOR RESTORATION CORP. to post a surety bond in a minimum amount of \$50,000 or \$1,000 per employee whichever is greater;~~

5) For such other and further relief as the Court deems just and proper.

~~Further, PLAINTIFFS shall be permitted to subsequently submit a request for Entry of Judgment on damages claimed against DIAMOND EXTERIOR RESTORATION CORP. after completion of the audit or, in the alternative, based on PLAINTIFFS estimate of damages due; and~~

Dated: Brooklyn, New York

May 7, 2005  
61

  
The Honorable Frederic Block, U.S.D.J.  
Eastern District of New York